

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
-v-)
)
KENNETH JEROME VALENTINE,)
Defendant.)
)

No. 1:99-cr-01-03

HONORABLE PAUL L. MALONEY

**ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OR
REDUCTION OF SENTENCE (GUIDELINE AMENDMENT 750)**

Defendant Kenneth Valentine has filed a Motion for Reduction of Sentence alleging that Guideline Amendment 750 made retroactive by the action of the United States Sentencing Commission has made him eligible for relief pursuant to 18 U.S.C. § 3582(c)(2).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, Amendment 750 provides Defendant no relief. Defendant's original guideline range was 292 to 365 months and he was sentenced to 292 months imprisonment. The amendment is of no assistance to Defendant because the base offense level was not changed for offenses involving 8.4 kilograms or more of cocaine base (crack cocaine) and Defendant was responsible for at least 8.4 kilograms of crack cocaine. In his supplemental brief in support of his motion for sentencing modification (ECF No. 974), Defendant concedes that he has no legal basis to object to

the conclusion of the United States Probation Office in the Sentencing Modification Report that he is not eligible for a reduction. Accordingly,

IT IS HEREBY ORDERED that Defendant Kenneth Valentine's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 918) is **DENIED**.

Date: August 17, 2015

/s/ Paul L. Maloney

Paul L. Maloney

United States District Judge